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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,830	03/07/2001	Yoshie Noborimoto	SONYJP 3.0-143	3654

7590 04/14/2006

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EXAMINER	
ROSEN, NICHOLAS D	
ART UNIT	**PAPER NUMBER**
3625	

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/800,830	NOBORIMOTO ET AL.	
	Examiner	Art Unit	
	Nicholas D. Rosen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1 and 4-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 4-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 March 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1 and 4-16 have been examined.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 13, 2006 (date of receipt is the 13th; certified as being mailed February 8th) has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 6, 7, 8, and 9

Claims 1, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel et al. (U.S. Patent 6,151,707) in view of Rogers et al. (U.S. Patent 6,018,719) and official notice. As per claim 1, Hecksel discloses an information processing apparatus, comprising: a customer data unit operable to receive a registration code identifying a purchased product and information relating to a purchaser of the product that are inputted by the purchaser when the purchaser seeks to register the product, and discloses determining whether a customer identifier is associated with the product, and storing the purchaser information and the registration code in association with the customer identifier (column 4, line 43-59; column 7, lines 32-60; column 8, lines 45-64; Figure 2b; the data unit operable to receive being inherent from the data having been received) and obtaining a customer identifier when the customer identifier is not already associated with purchaser information (column 4, lines 43-59; column 5, lines 23-61). Hecksel does not expressly disclose determining whether the registration code is correct, but determining whether a number is correct is well known, as taught by Rogers (column 5, lines 9-67). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to determine whether the registration code was correct, for the obvious advantage of avoiding the many errors which could result from relying on information for the wrong product or the wrong customer.

Hecksel discloses receiving and storing purchaser responses to a first questionnaire that is available to the purchaser at a time when the purchaser provides the registration code and the purchaser information (column 1, lines 21-46, as prior art; column 4, lines 23-61, implying at least some questions; column 8, lines 45-64), and transmitting a second questionnaire to the purchaser at a predetermined time subsequent to the receipt and storage of the registration code and purchaser information (column 6, lines 14-46); Hecksel is not entirely explicit about storing purchaser responses to the second questionnaire, but this is held to be obvious in that it would be absurd to gather the responses and then throw them all away; storing the responses would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the obvious advantages of learning how to improve the product, and/or sell it and other products more effectively.

Hecksel discloses determining whether to transmit an interview questionnaire and update survey questions to the purchaser based on at least part of the purchaser information and other information (column 6, lines 14-46; column 8, lines 45-64; column 9, lines 11-27), and combining results obtained from the purchaser to output data (column 8, lines 4-12; column 9, lines 17-27). Hecksel is not explicit about making the determination based also on responses obtained from other purchasers, but official notice is taken that it is well known to combine responses and output data (e.g., for marketing) based on combined responses from multiple purchasers or other persons surveyed. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to combine responses from

other purchasers and output data based on the combined responses, for the obvious advantages of enabling a manufacturer or distributor to improve its products and/or marketing based on purchaser responses (if the data is output to the manufacturer or distributor); and for the obvious advantage of presenting suitable questions or statements to the purchaser, such as asking him whether he has experienced problems which other purchasers report, recommending that he buy additional products which other purchasers who have characteristics in common with him have bought, etc. (if the data is output to the purchaser).

As per claim 6, Hecksel discloses identifying a customer and accessing his files (column 9, lines 48-52), but does not expressly disclose a customer identifier providing unit operable to receive a request for the customer identifier from the customer data unit, and to provide the customer identifier to the data unit in response to the request, but official notice is taken that it is well known to receive a request for identification data and to provide such identification data. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the information processing apparatus comprise such a customer identifier providing unit, for the obvious advantage of making customer identifier data available to the customer data unit.

As per claim 7, Hecksel does not disclose a conversion unit operable to convert the stored purchaser information the stored purchaser information, purchaser responses, etc. into a format suitable for the questionnaire data processing unit, but official notice is taken that conversion units for converting data into a suitable format are

well known. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the information processing apparatus comprise such a conversion unit, for the obvious advantage of converting data into a format in which it can be readily used.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel, Rogers, and official notice as applied to claim 1 above, and further in view of Jolissaint et al. (U.S. Patent 6,463,149). As per claim 8, Hecksel does not expressly disclose a call center terminal operable to receive a subject of a customer inquiry together with the customer identifier, but Jolissaint teaches a call center terminal operable to receive a subject of a customer inquiry together with the customer identifier; a call center data unit operable to receive the customer identifier from the call center terminal to receive stored information about the customer, and to output the information to the call center terminal in response to the received customer identifier; and an answer collection unit operable to receive the customer inquiry and customer information from the call center terminal (or data unit) and to output a reply to the customer inquiry (column 1, line 50, through column 2, line 35; column 3, lines 28-47; column 6, line 48, through column 7, line 35). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to include such call center apparatus, and to include the particular information recited, for the stated advantage of providing a call center agent with the information he needs to effectively assist a customer.

Neither Hecksel nor Jolissaint expressly discloses storing the customer inquiry and the reply in association with the customer identifier, but official notice is taken that it is well known to store interactions with customers, appropriately identified. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store the customer inquiry and the reply in association with the customer identifier, for the obvious advantages of better being able to serve that particular customer, e.g., by following up on reports of problems, or selling additional products in which the customer has expressed an interest; and of better serving other customers, e.g., by adding an inquiry to a FAQ list, correcting an unwanted feature of the product which has led to numerous questions and complaints, advertising to customers an additional product in which many have expressed an interest, etc.

As per claim 9, neither Hecksel nor Jolissaint expressly discloses receiving the stored customer inquiry and reply from the call center data unit, and to combine information based on the customer inquiry and reply with other information based on other customer inquires and replies, and to output data based on the combined information, but official notice is taken that it is well known to combine responses and output data (e.g., for marketing) based on combined responses from multiple customers or other persons surveyed. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to combine information based the customer's inquiry and the reply with similar data from other customers, for the obvious advantages of enabling a manufacturer or distributor to

improve its products and/or marketing based on customer inquiries (if the data is output to the manufacturer or distributor); and for the obvious advantage of presenting suitable questions or statements to the purchaser, such as asking him whether he has experienced problems which other purchasers report, recommending that he buy additional products which other purchasers who have characteristics in common with him have bought, etc.

Claims 4, 10, 11, and 12

Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel et al. (U.S. Patent 6,151,707) in view of Rogers et al. (U.S. Patent 6,018,719) and official notice. As per claim 4, claim 4 is essentially parallel to claim 1, and rejected on the same grounds.

As per claim 10, claim 10 is essentially parallel to claim 7, and rejected on the same grounds.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel, Rogers, and official notice as applied to claim 4 above, and further in view of Jolissaint et al. (U.S. Patent 6,463,149). Claims 11 and 12 are largely parallel to claims 8 and 9, respectively, except that claims 11 and 12 are broader. Claims 11 and 12 are therefore rejected on essentially the same grounds set forth above in rejecting claims 8 and 9, respectively.

Claims 5, 13, 14, and 15

Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel et al. (U.S. Patent 6,151,707) in view of Rogers et al. (U.S. Patent 6,018,719) and official notice. As per claim 5, claim 5 is essentially parallel to claim 1, and rejected on the same grounds.

As per claim 13, claim 13 is essentially parallel to claim 7, and rejected on the same grounds.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel, Rogers, and official notice as applied to claim 5 above, and further in view of Jolissaint et al. (U.S. Patent 6,463,149). Claims 14 and 15 are parallel to claims 11 and 12, respectively, and rejected on the same grounds.

Claim 16

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel et al. (U.S. Patent 6,151,707) in view of Rogers et al. (U.S. Patent 6,018,719) and official notice. Claim 16 largely corresponds to claim 1, and is found obvious on the same grounds. Additionally, Hecksel does not expressly disclose a terminal operable to display a menu that permits a purchaser to select between registering a purchased product and responding to a first questionnaire, to display one or more screens suitable for obtaining a registration code identifying the purchased product and information relating to the purchaser of the product when the purchaser selects registering the purchased product, and to display one or more screens suitable for obtaining responses to the first questionnaire when the customer selects responding to the first

questionnaire. However, official notice is taken that it is well know for people to use computer terminals operable to display menus and screens; as Hecksel discloses receiving questionnaires and entering data by computer, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have customers use terminals operable to display appropriate menus and screens, for the obvious advantage of enabling Hecksel's disclosed procedures to be readily carried out.

Response to Arguments

Applicant's arguments filed February 13, 2006 have been fully considered but they are not persuasive. Applicant argues that the system of Hecksel suffers from deficiencies in that the user is requires to repeatedly input the same registration data fro each new software product, that customers often refuse to spend the time and effort necessary to complete the registration and/or survey forms, and that survey questions asked at the time of registration are of little value because the user provides answers before having used the software referring to Hecksel, column 1, lines 26-46. Examiner replies that this is Hecksel's description of the prior art, over which his own invention is offered as an improvement. Thus, it is incorrect to conclude, based on column 1, that Hecksel teaches away from the user entry of registration information and the user entry of responses to a questionnaire; in fact, Hecksel teaches these things (column 2, lines 7-16; column 4, lines 5-30 and 43-59; column 7, lines 32-60; column 8, lines 45-64).

Otherwise, Applicant chiefly argues that other claims should be allowable as depending on, or parallel to, claim 1; but there is one other point raised which calls for reply. Applicant argues that Jolissaint does not disclose or suggest receiving a subject of a customer inquiry from a call center terminal, and outputting a reply based on the subject of the customer inquiry. Examiner replies that in the Jolissaint patent, the outputting of a reply can depend on the subject of a customer inquiry at least indirectly, in that a menu of options or alternatives is presented to a customer, including a choice as to whether the customer wishes to speak with a live agent, which is possible when the customer is surprised, e.g., by finding that there is zero balance in an account; thus, based on the subject of the customer inquiry, which is received, the customer makes a choice which leads to determining what reply is outputted.

The common knowledge or well-known in the art statements in the previous office action are taken to be admitted prior art, because Applicant did not traverse Examiner's taking of official notice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kulakowski et al. (U.S. Patent 6,229,621) disclose a wireless system for broadcasting, receiving, and selectively printing packets of information using bit-string selection means (and disclose using appliance purchase registrations to gather data for customer databases; see column 3, lines 38-53). Revashetti et al. (U.S. Patent 6,230,199) disclose active marketing based on client computer configurations

(including gathering information from registration of products; note column 1, line 51, through column 2, line 10).

Bandrapalli ("How to Reduce Unwanted Mail") implies that questions on product registration cards are used for future marketing. Peppers, et al. ("The Profits Are in the Mail") disclose filing product registrations, and customizing e-mail interactions with customers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's current acting supervisor, Mark Fadok, can be reached at 571-272-6755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER
April 11, 2006